

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 27, 2008

D053374 In re V. F. et al., Juveniles

The appeal is dismissed. Aaron, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

D053382 In re Juan G-P., a Juvenile

The appeal is dismissed. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D053665 Shareholders of Tourmaline Network, Inc. v. Superior Court of San Diego County/Intellisync Corporation

The petition is denied.

D053934 In re T. S., a Juvenile

The notice of appeal received October 8, 2008, from the order of February 14, 2008, is untimely. The appeal is dismissed.
(Cal. Rules of Court, rule 8.308(a).)

D053633 Garland v. Garland

The matter having been considered by Presiding Justice McConnell and Associate Justices Benke and McDonald, the appeal is dismissed on the ground appellant lacks standing to appeal the order identified in this notice of appeal and civil case information statement.

D051997 Abraitis v. King

The trial court's restraining order for protection is affirmed. Benke, Acting P.J.; We Concur: Nares, J., Irion, J.

D050455 San Marcos Enterprises v. Park

Judgment affirmed. Appellant to pay respondent's costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D051785 People v. Espy

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Nares, J.

D053839 John C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner John C. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 28, 2008

D051811 Stiglich v. Jani-King of California, Inc.

The judgment is affirmed. Stiglich is awarded his costs on appeal. Nares, J.; We Concur: Benke, Acting P.J., Huffman, J.

D050583 Kintera, Inc. v. Hartford Casualty Insurance Co.

The judgment is affirmed. Hartford shall recover its costs on appeal. Nares, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D053783 In re Griffin II on Habeas Corpus

The petition is denied.

D053404 In re Raymond V., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: McConnell, P.J., Huffman, J.

D053507 In re E.A., a Juvenile

The appeals are dismissed. Haller, J.; We Concur: Benke, Acting P.J., Aaron, J.

D053354 In re Jordan H., a Juvenile

The appeal is dismissed. Benke, J., We Concur: McConnell, P.J., Irion, J.

D050783 Sigelman et al. v. Lawyers' Mutual Insurance Company

It is ordered that the opinion filed October 1, 2008, is modified. There is no change in judgment. The petition for rehearing is denied.

D050962 Gober et al. v. Ralphs Grocery Company

The petition for rehearing is denied.

D053879 Noland v. Ralphs Grocery Company

The petition is denied.

D053421 In re Andrea R., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 28, 2008 (Continued)

D051601 People v. Reeder

The sentence on count 3 is modified to 180 days imprisonment in the county jail. The trial court is instructed to prepare an amended abstract of judgment reflecting this change and to deliver the abstract to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.

D050042 Karen v. Huberman et al.

The judgment is affirmed. Karen is entitled to costs on appeal. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

D050266 Tucker v. Grossmont Union High School District

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

D050316 Noland v. Ralphs Grocery Company

The petition for rehearing is denied.

D051391 Pacific Sunwear of California, Inc. v. Olaes Enterprises, Inc.

The petition for rehearing and motion to augment, both filed under seal, are denied.

D052226 Pacific Sunwear of California, Inc. v. Olaes Enterprises, Inc.

The petition for rehearing is denied.

D052470 Meadow Builders, Inc. v. Stillwell et al.

Upon written request filed by appellant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D053949 People v. Young

The notice of appeal filed on October 14, 2008, appeals from the San Diego Superior Court's September 29, 2008, order denying Jerry Wayne Young's petition in that court. The order is not appealable. The appeal filed on October 14, 2008, is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
October 29, 2008

D051420 People v. Nacilla

Affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D053152 Briarwood Capital, LLC v. Lennar Homes of California Inc., et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D051424 THC-Orange County, Inc. v. Schimsky/Loprieno

The judgment is reversed. We direct the trial court to vacate the order denying Arnold and Judy's motion to vacate the judgment and to enter a new order granting the motion. We also direct the court to reconsider Judy's motion to intervene on the merits. Arnold and Judy are entitled to costs on appeal. McConnell, P.J.; We Concur: McDonald, J., Aaron, J.

D051094 People v. Potts et al.

The judgments are affirmed. Nares, J.; We Concur: Benke, Acting P.J., Irion, J.

D053383 In re A. K., a Juvenile

The appeal is dismissed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

D049908 Jeld-Wen, Inc. v. Action Iron Works Inc., et al.

The judgment is reversed with respect to (1) the ruling in favor of KAS Supply Company, Inc.; Action Iron Works; Southcoast Sheet Metal; Pacific Coast Roofing Corporation; Foshay Electric Company, Inc.; and Wall Systems, Inc. on their motion for judgment on the pleadings challenging the breach of contract cause of action; and (2) the ruling in favor of National Roofing Supply Consultants, Inc. on its motion for summary judgment challenging the causes of action for equitable indemnity and declaratory relief. In all other respects the judgment is affirmed. Each party is to bear its own costs. Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

D050683 Valley Casework, Inc. v. Lexington Insurance Company

The judgment of the trial court in favor of Lexington is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 29, 2008 (Continued)

D053796 Wendy W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Billy H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Billy H. is DISMISSED.

D053801 James B. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner S. M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to S. M. is DISMISSED.

D053721 Amanda C. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Alexander L. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Alexander L. is DISMISSED.

D053360 People v. Villagomez

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.360(c)(5)(A). The appeal is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
October 30, 2008

D053896 Trujillo v. Superior Court of San Diego County/People

The petition is denied.

D053906 People v. Sylvester

The petition is denied.

D052733 In re C. C. et al., Juveniles

The order denying reunification services to Charles under section 361.5, subdivision (b)(10) is affirmed. The matter is remanded to the juvenile court with directions to vacate its finding that ICWA does not apply and to instruct the Agency to complete inquiry and notice, if any, as required under state and federal law. (§§ 224.2, 224.3; 25 U.S.C. § 1912.) The court shall advise the parents that if the children are determined to be Indian children within the meaning of ICWA, the parents then have the right to petition the court to invalidate any action in violation of 25 United States Code §§ 1911, 1912 and 1913 in the 2007 case, including notice requirements. (25 U.S.C. § 1914.) McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D053923 Biesterfeld v. Superior Court of San Diego County/Law

The petition for writ of mandate and request for stay have been read and considered by Presiding Justice McConnell and Associate Justices Benke and McDonald. The petition is denied.

D051168 Vigliotti v. Harkleroad

The order granting a new trial in favor of Vigliotti is reversed and the superior court is instructed to enter judgment in favor of Harkleroad. Harkleroad shall recover her costs on appeal. Nares, J.; We Concur: Benke, Acting P.J., Irion, J.

D053407 In re Kassandra C., et al. Juveniles

The appeal is dismissed. O'Rourke, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D053913 Willis v. Superior Court of San Diego County/People

The petition for writ of habeas corpus is treated as a petition for writ of mandate. The petition for writ of mandate has been read and considered by Presiding Justice McConnell and Associate Justices Benke and McDonald. The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 30, 2008 (Continued)

D052485 People v. Moreno

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.

D053823 In re Love on Habeas Corpus

The petition is denied.

D053722 In re Lane on Habeas Corpus

The petition is denied.

D053820 In re Crenshaw on Habeas Corpus

The petition is denied.

D052485 People v. Moreno

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 31, 2008

D051313 People v. Daughtery

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

D053715 In re Acosta on Habeas Corpus

The petition is denied.

D053624 In re Armstead on Habeas Corpus

The petition for writ of habeas corpus has been read and considered by Justices Benke, McDonald and O'Rourke. We take judicial notice of San Diego County Superior Court file No. SCD143593.

The instant petition challenges the calculation of petitioner's credits. Petitioner presented a nearly identical challenge in No. D052741, and this court denied without prejudice to refileing the petition in the trial court. A review of the superior court file reveals that petitioner still has not presented the petition to the trial court. We therefore deny the petition as duplicative of No. D052741 and because petitioner has not properly presented his habeas petition to the trial court in the first instance.

The Clerk of the Court is directed to include with this order a copy of our prior order in No. D052741, filed May 30, 2008.

The petition is denied.

D053914 In re Grady on Habeas Corpus

The petition for writ of habeas corpus has been read and considered by Justices Benke, McDonald and O'Rourke.

Charles Grady, Jr., appears to be complaining that the Board of Parole Hearings improperly revoked his parole. He has not demonstrated that he previously filed a petition in the lower court. (In re Steele (2004) 32 Cal.4th 682, 692.) He has not provided any record for review. (People v. Duvall (1995) 9 Cal.4th 464, 474.)

The petition is denied without prejudice to refileing in San Diego Superior Court, P. O. Box 122724, San Diego, CA 92112-2724.

D053910 In re Ojeda on Habeas Corpus

The petition is denied.